IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CEA No. 42 of 2007
Date of decision 12. 11 .2007

Commissioner of Central Excise Commissionerate, Ludhiana
.. Appellant

Versus

M/s N.K.H.Alloys Ltd. .. Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr.Kamal Sehgal, Advocate for the appellant
Mr. Jagmohan Bansal, Advocate for the respondent.

M.M.Kumar, J.

The Revenue has filed the instant appeal under Section 35(G) of the Central Excise Act,1944 against the order dated 20.7.2006 (Annexure P.2) passed by the Customs, Excise and Service Tax Appellate Tribunal, New Delhi in Excise Appeal No. 3586 of 2004. It has been asserted that the following question of law would arise for consideration of this Court:

> " Whether omission of Section 3A of the Central Excise Act,1944 relating to compounded levy scheme wipes out the liability of the assessee when the show cause notice is issued, after such omission, for the period during which the scheme was in operation?"

We have heard the learned counsel for the parties.

The matter is no longer res-integra. The question of law posed for consideration of this Court has already been answered in favour of the Revenue and against the assessee by a Division Bench of this Court in the case of Shree Bhagwati Steel Rolling Mills. v. Commissioner of C.Ex.,

Chandigarh 2007(207) ELT 58(P&H).

Accordingly, following the view taken by this Court in the case of Shree Bhagwati Steel Rolling Mills case (supra), this appeal is allowed and the question posed is answered in favour of the Revenue and against the assessee.

(M.M.Kumar)
Judge

(Ajay Kumar Mittal)
Judge

12.11.2007
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